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GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

Division of Drinking Water

May 31, 2018

Beverly Billingsley, Partner Owner  
Billingsley DVM Water System  
21832 Ferncuko St.  
Tehachapi, CA 93561

### CERTIFIED MAIL

**Subject: Enforcement Letter No. 03-19-18E-001**  
**Significant Rise in Bacterial Count Violation – April 2018**  
**Billingsley DVM Water System (Water System No. 1503655)**

Dear Ms. Billingsley:

The State Water Resources Control Board (State Water Board), Division of Drinking Water, has issued this Enforcement Letter to Billingsley DVM Water System (Water System) for failing to comply with Title 22, California Code of Regulations, Section 64426: Significant Rise in Bacterial Count. Please review the Statement of Facts, the State Water Board's Determination, and follow the Directives stated herein.

### Statement of Facts

On April 11, 2018, the Water System collected a sample, as part of routine bacteriological monitoring, from its distribution system. The Water System's contract laboratory (BC Labs) completed the analysis of the sample on April 13, 2018. The sample was positive for *E. coli*. A copy of the lab report is in **Enclosure 1**.

On April 18, 2018, BC Labs emailed the lab report to the State Water Board. On April 26, Dan Sackett, Contract Sampler for the Water System, skOO'kum monitoring, Inc. called the State Water Board to inform of the positive *E. coli* sample result. Mr. Sackett mentioned that BC Labs had contacted skOO'kum monitoring, Inc. to notify that the sample was positive for total coliform but not *E. coli*. Mr. Sackett also mentioned that the Water System collected three repeat samples from the distribution system and one sample from Well 01 on April 16, 2018. All repeat samples and the sample from Well 01 were negative for total coliform.

On April 27, 2018 the State Water Board held a conference call with you and skOO'kum monitoring, Inc. to discuss the issue. The State Water Board directed the Water System to complete a report to investigate the significant rise in bacterial count, due to the *E. coli* positive sample. In addition, the State Water Board recommended that the Water System collect five routine samples from the distribution system, as early as possible, in the following month. The five routine samples were collected on May 1, 2018 and all results were negative for total

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

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coliform. On May 5, Shon Sackett, skOO'kum monitoring, Inc., completed the investigation report. No cause of significant rise in bacterial count was identified the investigation report.

### **Determination**

As per Title 22, California Code of Regulations, **Section 64426(a)(2)**, a sample collected from the distribution system, which is positive *E. coli*, is considered a significant rise in bacterial count.

As per Title 22, California Code of Regulations **Section 64426(b)(1)**, the Water System is required to contact the State Water Board by the end of the day on which the system is notified of the test result or within 24 hours if the State Water Board office is closed. The Water System failed to notify the State Water Board after BC Labs determined, on April 13, 2018, that a routine bacteriological monitoring sample was positive for *E. coli*.

As per Title California Code of Regulations **Section 64426(c)**, the Water System is required to notify its consumers of the significant rise in bacterial count in their drinking water. If the Water System had contacted the State Water Board, the State Water Board would have worked with you to issue a boil water notice to the Water System's consumers, so they could take the necessary precautions to protect their health.

The Water System did not fail the total coliform maximum contaminant level for April 2018 since all repeat samples (collected on April 16, 2018) were negative for total coliform.

A copy of the Section 64426 of Title 22, California Code of Regulations is in **Enclosure 2**.

### **Directives**

1. Cease and desist from failing to comply with **Section 64426(b)(1) and 64426(c)** of Title 22, California Code of Regulations.
2. In the future, contact the State Water Board by the end of the day on which the system is notified of the positive *E. coli* sample result or within 24 hours if the State Water Board office is closed.
3. By **June 15, 2018**, inform the State Water Board, the steps you have taken to improve the Water System's communication with the contract laboratory (BC Labs).
4. In the future, work with the State Water Board to notify the Water System consumers of a significant bacterial count in the distribution system, via a boil water notice.

### **Civil Penalties**

Sections 116650(d) and 116650(e) of the California Health & Safety code allow for the assessment of a civil penalty for failure to comply with requirements of the California Safe Drinking Water Act. Failure to comply with any provision of this Enforcement Action may result in the State Water Board imposing an administrative penalty in an amount not to exceed \$1000

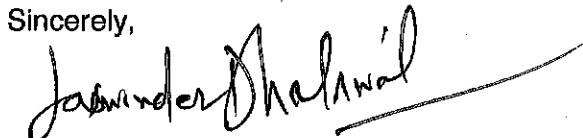
(one thousand dollars) per day as of the date of violation of any provision of this Enforcement Action.

**Further Enforcement Actions**

The California Safe Drinking Water Act authorizes the State Water Board to issue additional citations with assessment of penalties if the public water system continues to fail to correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with orders of the State Water Board; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the State Water Board. The State Water Board does not waive any further enforcement action by issuance of this enforcement letter.

If you have any questions regarding this letter, please contact our office at (661) 335-7315.

Sincerely,



Jaswinder S. Dhaliwal, P.E.  
Senior Sanitary Engineer  
Tehachapi District

CERTIFIED MAIL NO. 7015 0640 0006 0208 6955

**Enclosures:**

- 1: Copy of BC Labs report with positive *E. coli* sample result
- 2: Copy of Section 64426 of Title 22, California Code of Regulations

Billingsley DVM Water System – Enforcement Letter for Bacteriological M & R Violations

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cc: Kern County Dept. of Public Health, Environmental Health Division (w/o enclosures)  
Dan Sackett, Contract Sampler, skOO'kum h2O monitoring, Inc. (via email)

(One thousand dollars) per day as of the date of violation of any provision of this Enforcement Action.

cc:

(One thousand dollars) per day as of the date of violation of any provision of this Enforcement Action.

**Enclosure 1**

**Copy of BC Labs report with positive *E. coli* sample result**

**Laboratories, Inc.**

Environmental Testing Laboratory Since 1949

skOO'kum h2o monitoring, inc.  
P.O. Box 361  
Tehachapi, CA 93581-0361

**Reported:** 04/18/2018 10:50  
**Project:** Bacteriological-State  
**Project Number:** Billingsley DVM  
**Project Manager:** Daniel Sackett

1811766-01

**Water Analysis (Bacteriological)**

<b>COC Number:</b>	---	<b>District ID:</b>	
<b>Project Number:</b>	Billingsley DVM	<b>System Number:</b>	1503655
<b>Sampling Location:</b>	---	<b>Station Number:</b>	
<b>Sampling Point:</b>	21816 Ferncuko St. (HB)	<b>Sample Site:</b>	2-ROU
<b>Sampled By:</b>	Tony	<b>Residual Chlorine, ppm:</b>	
<b>Receve Date:</b>	04/12/2018 09:20	<b>Temperature, C:</b>	2.1
<b>Sampling Date:</b>	04/11/2018 12:21		
<b>Sample Depth:</b>	---		
<b>Sample Matrix:</b>	Water		

**Colilert (P/A)**

Constituent	Result	Units	Method	Analyst	Initial Dilution	Date Started	Date Completed	Lab Quals
Total Coliform	Present	-	SM-9223B	FBV	1	04/12/2018 13:00	04/13/2018	
E. Coli	Present	-	SM-9223B	FBV	1	04/12/2018 13:00	04/13/2018	

*The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.*

All results listed in this report are for the exclusive use of the submitting party. BC Laboratories, Inc. assumes no responsibility for report alteration, separation, detachment or third party interpretation.

**Enclosure 2**

**Copy of Section 64426 of Title 22, California Code of Regulations**

## Excerpt from Title 22, California Code of Regulations

### **§64426. Significant Rise in Bacterial Count.**

(a) Any of the following criteria shall indicate a possible significant rise in bacterial count:

(1) A system collecting at least 40 samples per month has a total coliform-positive routine sample followed by two total coliform-positive repeat samples in the repeat sample set;

(2) A system has a sample which is positive for fecal coliform or *E. coli*; or

(3) A system fails the total coliform Maximum Contaminant Level (MCL) as defined in Section 64426.1.

(b) When the coliform levels specified in subsection (a) are reached or exceeded, the water supplier shall:

(1) Contact the State Board by the end of the day on which the system is notified of the test result or the system determines that it has exceeded the MCL, unless the notification or determination occurs after the State Board office is closed, in which case the supplier shall notify the State Board within 24 hours; and

(2) Submit to the State Board information on the current status of physical works and operating procedures which may have caused the elevated bacteriological findings, or any information on community illness suspected of being waterborne. This shall include, but not be limited to:

(A) Current operating procedures that are or could potentially be related to the increase in bacterial count;

(B) Any interruptions in the treatment process;

(C) System pressure loss to less than 5 psi;

(D) Vandalism and/or unauthorized access to facilities;

(E) Physical evidence indicating bacteriological contamination of facilities;

(F) Analytical results of any additional samples collected, including source samples;

(G) Community illness suspected of being waterborne; and

(H) Records of the investigation and any action taken.

(c) Upon receiving notification from the State Board of a significant rise in bacterial count, the water supplier shall implement the emergency notification plan required by Section 116460, Health and Safety Code.